

JAP:AES

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

12M717

- - - - -X

UNITED STATES OF AMERICA

- against -

JOSE UBALDO HERNANDEZ, JR.,

Defendant.

PRE-ARRAIGNMENT

C O M P L A I N T

(21 U.S.C. §§ 952(a)  
and 960)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL MARTINEZ, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about August 1, 2012, within the Eastern District of New York and elsewhere, defendant JOSE UBALDO HERNANDEZ, JR. did knowingly, intentionally and unlawfully import into the United States from a place outside thereof heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

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<sup>1/</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.


1. On the morning of August 1, 2012, defendant JOSE UBALDO HERNANDEZ, JR. arrived at John F. Kennedy International Airport in Queens, New York, aboard Jet Blue Flight 828 from Santo Domingo, Dominican Republic.

2. During an examination, a Customs and Border Protection Inspector noticed that defendant JOSE UBALDO HERNANDEZ, JR. appeared unusually nervous. After questioning, the defendant voluntarily admitted that he had swallowed foreign bodies. The defendant was presented with an x-ray consent form, which he read, appeared to understand and signed.

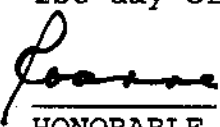
3. Defendant JOSE UBALDO HERNANDEZ, JR. was transported to the medical facility at John F. Kennedy International Airport. On August 1, 2012, at approximately 8:40 a.m., an x-ray was taken of defendant's intestinal tract, which was positive for foreign bodies. The defendant subsequently passed 8 pellets, one of which field-tested positive for the presence of heroin. The defendant was then placed under arrest.

4. Defendant JOSE UBALDO HERNANDEZ, JR. will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that defendant JOSE UBALDO HERNANDEZ, JR. be dealt with according to law.

  
\_\_\_\_\_  
MICHAEL MARTINEZ  
Special Agent  
HSI

Sworn to before me this  
1st day of August, 2012

  
\_\_\_\_\_  
HONORABLE  
UNITED STATES  
EASTERN DISTRICT OF

S/Mann